

UNITED STATES DISTRICT COURT
Southern District of New York

Laura Litinsky

Plaintiff(s)

CASE NUMBER:

07-cv-11475 (RJS) (GWG)

v.

Defendant(s)

Diamante The Diamond Manufacturers, Inc., et al.

**PROOF OF SERVICE
SUMMONS AND COMPLAINT**

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I **served** copies of the (specify documents):
 - a. ☐ summons ☐ complaint ☐ alias summons ☐ first amended complaint
 - ☐ second amended complaint
 - ☐ third amended complaint
 - ☒ other (specify): **Temporary Restraining Order; Supplemental Declaration**
2. Person served:
 - a. ☒ Defendant (name:) **Rafael Zakaria**
 - b. ☒ Other (specify name and title or relationship to the party/business named):
Rudy Saed - Person apparently in charge
 - c. ☒ Address where the papers were served: **550 S. Hill Street, 1260
Los Angeles, CA 90013**
3. Manner of Service in compliance with (the appropriate box must be checked):
 - a. ☐ Federal Rules of Civil Procedure
 - b. ☐ California Code of Civil Procedure
4. I **served** the person named in Item 2:
 - a. ☐ By **Personal Service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
 1. ☐ Papers were served on (date): at (time):
 - b. ☒ By **Substituted Service**. By leaving copies with: **Rudy Saed - Person apparently in charge** (Filipino, M, 50's, 5'5, 160lbs, dark eyes, black hr)
 1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. ☒ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. ☒ Papers were served on (date): **01/02/2008** at (time): **03:15 pm**
 4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. ☐ papers were mailed on (date):
 6. ☒ due diligence. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity.** (F.R.Civ.P. 4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity.** (C.C.P. 415.20 only) By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service.**)
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (date): at (time):

- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

Victor E. Mendez

a. Fee for service:

- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server
Registration #: **3428**

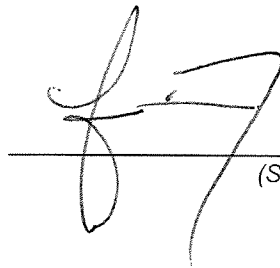
8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: January 4, 2008

Victor E. Mendez

Type or Print Server's Name



(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): plaintiff | FOR COURT USE ONLY |
| UNITED STATES DISTRICT COURT STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PLAINTIFF/PETITIONER: Laura Litinsky DEFENDANT/RESPONDENT: Diamante The Diamond Manufacturers, Inc., et al. | |
| DECLARATION OF DILIGENCE | CASE NUMBER: 07-cv-11475 (RJS) (GWG) |

I received the within process on December 27, 2007 and that after due and diligent effort I have been able to personally serve said witness. The following itemization of the dates and times of attempts details the efforts required to effect personal service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

PARTY SERVED: **Rafael Zakaria**

Address: **550 S. Hill Street, 1260
Los Angeles, CA 90013**

Documents: **Temporary Restraining Order; Supplemental Declaration**

As enumerated below:

12/28/2007 03:15 pm
Premises closed.

12/31/2007 09:50 am
Premises closed.

01/02/2008 03:15 pm
Subject not in per person in charge.

Fee for Service:

County: **Los Angeles**
 Registration No.: **3428**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **January 4, 2008**.

Signature: _____

Victor E. Mendez

DECLARATION OF DILIGENCE

Order#: 0111908/DilligenceUS